IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UN	ITED STATES OF AMERICA)	
	Plaintiff,) 8:07CR360)	
	vs.) DETENTION ORDER	
AL	EJANDRO MANUEL BONILLA-FILOMENO,	,	
	Defendant.		
A.	Order For Detention After waiving a detention hearing pursuant to Act on October 30, 2007, the Court orders pursuant to 18 U.S.C. § 3142(e) and (i).	18 U.S.C. § 3142(f) of the Bail Reform the above-named defendant detained	
B.	Statement Of Reasons For The Detention The Court orders the defendant's detention because it finds: X By a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of the defendant as required. By clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of any other person or the community.		
C.	Finding Of Fact The Court's findings are based on the evidence which was presented in court and that which was contained in the Pretrial Services Report, and includes the following: X (1) Nature and circumstances of the offense charged: X (a) The crime: possession with intent to distribute in excess of 5 kilograms of cocaine in violation of 21 U.S.C. § 841(a)(1) carries a minimum sentence of ten years imprisonment and a maximum sentence of life imprisonment. (b) The offense is a crime of violence. X (c) The offense involves a narcotic drug. X (d) The offense involves a large amount of controlled substances, to with in excess of seven kilograms of cocaine. (2) The weight of the evidence against the defendant is high. X (3) The history and characteristics of the defendant including: (a) General Factors: The defendant appears to have a mental condition which may affect whether the defendant will appear. X The defendant has no family ties in the area. X The defendant has no steady employment. X The defendant has no substantial financial resources. X The defendant does not have any significant community. The defendant does not have any significant community ties. Past conduct of the defendant: use of a false name at the time of his arrest. The defendant has a history relating to drug abuse. The defendant has a history relating to drug abuse. The defendant has a significant prior criminal record. The defendant has a prior record of failure to appear at court proceedings.		

DETENTION ORDER - Page 2

(b)	At the time of the current arrest, the defendant was on:
	Probation
Parole	
	Release pending trial, sentence, appeal or completion of
()	sentence.
(c)	Other Factors:
	X The defendant is an illegal alien and is subject to
	deportation.
	The defendant is a legal alien and will be subject to
	deportation if convicted.
	X The Bureau of Immigration and Custom Enforcement
	(BICE) has placed a detainer with the U.S. Marshal.
	Other:
V (E) D about	table Dressmentions
	table Presumptions
	ermining that the defendant should be detained, the Court also relied
on the following rebuttable presumption(s) contained in 18 U.S.C. § 3142(e) which the Court finds the defendant has not rebutted:	
<u>X</u> (a)	That no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety
	of any other person and the community because the Court finds that
the crime involves:	
	(1) A crime of violence; or
	X (2) An offense for which the maximum penalty is life
	imprisonment or death; or
	X (3) A controlled substance violation which has a maximum
	penalty of 10 years or more; or
	(4) A felony after the defendant had been convicted of two
	or more prior offenses described in (1) through (3)
	above, and the defendant has a prior conviction for one
	of the crimes mentioned in (1) through (3) above which
	is less than five years old and which was committed
	while the defendant was on pretrial release.
X (h)	That no condition or combination of conditions will reasonably
<u> </u>	assure the appearance of the defendant as required and the safety
of the community because the Court finds that there is probab	
cause to believe:	
	X (1) That the defendant has committed a controlled
	substance violation which has a maximum penalty of
	10 years or more.
	(2) That the defendant has committed an offense under 18
	U.S.C. § 924(c) (uses or carries a firearm during and in
	relation to any crime of violence, including a crime of
	violence, which provides for an enhanced punishment
	if committed by the use of a deadly or dangerous
	weapon or device).
	weapon or device).

 D. Additional Directives
 Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:

 The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from persons awaiting or serving sentences or being held in custody pending

 appeal; and

DETENTION ORDER - Page 3

- 2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: October 30, 2007. BY THE COURT:

s/Thomas D. Thalken United States Magistrate Judge